

Serial No.: 09/704,888  
Group Art Unit: 2133

### AMENDMENTS TO CLAIMS

- Please delete claim 14.
- Please amend pending claims 1-6 as indicated below. A complete listing of all claims and their status in the application are as follows:

1. (currently amended) A method for determining the performance of a portion of a network, the method comprising:

transmitting a signal from a transmission point onto the portion of the network;

receiving the signal at a destination;

returning the signal to the transmission point; ~~and~~

correcting errors introduced into the signal in transmission from the destination to the ~~transmission point; and~~

determining the performance of the portion of the network from the transmission point to the destination.

2. (currently amended) The method of Claim 1 ~~further comprising the step of determining the performance of the portion of the network using the corrected signal, wherein transmitting the signal further comprises transmitting signal packets.~~

3. (currently amended) The method of Claim 1 wherein:

receiving the signal at the destination includes receiving the signal with first errors caused by transmission through a first portion of the network;

returning the signal to the transmission point includes returning the signals with second errors caused by transmission through a second portion of the network;

the correcting step uses forward error correction techniques the second errors to leave the first errors in the signal; and

comparing the signal with the first errors with the signal transmitted at the transmission point to determine the performance of the first portion of the network.

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4. (currently amended) The method of Claim 3 wherein the correcting the second errors further comprises:

determining residual errors in portions of the signal received at the transmission point;

and

discarding the portions of the signal that contain residual errors.

5. (currently amended) The method of Claim 2-3 wherein ~~the determining step uses a~~ comparing the signals tests for bit error rate, block error rate, or a combination thereof. ~~test applied to the corrected signal.~~

6. (currently amended) A method for determining the performance of a portion of a network, the method comprising:

transmitting a signal from a transmission point onto the portion of the network;

receiving the signal at a destination;

detecting errors in the signal received at the destination;

discarding portions of the signal received at the destination that contain errors;

returning the non-discarded signal portions to the transmission point;

determining the magnitude of the discarded portions of the signal from the returned, non-discarded portions; and

using a block error rate test to determine the performance of the portion of the ~~network.~~ network; and

determining the performance of the portion of the network from the transmission point to the destination.

7. (Original) The method of Claim 1 wherein the network is a cable network.

8. (Original) The method of Claim 1 wherein the portion of the cable network is a local area cable loop.

9. (Original) The method of Claim 8 wherein the performance of an upstream channel of the local area cable loop is determined.

10. (Original) The method of Claim 9 wherein the transmitting step transmits the signal in the upstream channel.

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11. (Original) The method of Claim 9 wherein the signal is returned in a forward channel of the local area cable loop.

12. (Original) The method of Claim 7 wherein the destination is a cable modem termination system.

13. (Original) The method of Claim 2 wherein the correcting step uses forward error correction techniques.

14. (canceled)

15. (Withdrawn) A device for determining the performance of a portion of a network comprising:

a forward error corrector; and

a comparator coupled to the forward error corrector.

16. (Withdrawn) The device of Claim 15 further comprising a pattern generator.

17. (Withdrawn) The device of Claim 15 wherein the network is a cable network.

18. (Withdrawn) The device of Claim 17 wherein the portion of the cable network is a local area cable loop.

19. (Withdrawn) The device of Claim 18 wherein the device is coupled to an upstream channel of the local area cable loop.

20. (Withdrawn) The device of Claim 19 wherein the device is also coupled to a forward channel of the local area cable loop.

21. (Withdrawn) The device of Claim 15 further comprising an addresser.

22. (Withdrawn) The device of Claim 19 further comprising an addresser.

23. (Withdrawn) The device of Claim 15 further comprising:

a pattern generator coupled to the comparator; and

an addresser coupled to the pattern generator.

24. (Withdrawn) The device of Claim 17 further comprising a cable modem termination system.

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25. (Withdrawn) The device of Claim 23 wherein:  
the network is a cable network;  
the portion of the network is a local area cable loop; and  
the addresser is coupled to an upstream channel of the local area cable loop.
26. (Withdrawn) A device for determining the performance of a portion of a network comprising:  
means for correcting errors in a signal; and  
means for comparing a signal to a standard.
27. (Withdrawn) The device of Claim 26 further comprising means for generating the standard.
28. (Withdrawn) The device of Claim 26 wherein the network is a cable network.
29. (Withdrawn) The device of Claim 28 wherein the portion of the cable network is a local area cable loop.
30. (Withdrawn) The device of Claim 26 further comprising means for addressing a signal to a destination.
31. (Withdrawn) The device of Claim 30 wherein the destination is a cable modem termination system.
32. (Withdrawn) A memory device for storing program instructions comprising:  
a forward error corrector; and  
a comparator.
33. (Withdrawn) The memory device of Claim 32 further comprising program instructions for a pattern generator.
34. (Withdrawn) The memory device of Claim 33 further comprising program instructions for an addresser.
35. (Withdrawn) The memory device of Claim 32 further comprising program instructions for an addresser.